

### **REMARKS**

Claims 1-12 are pending in this application. Claims 4-12 have been added. Claims 1, 8 and 10 are independent.

In the Office Action, the Examiner objects to the abstract because it exceeds 150 words in length. Accordingly, Applicant has provided a new abstract that does not exceed 150 words.

The Examiner objects to the drawings because “the human shape in Claim 2 must be shown”. Accordingly, Applicant submits herewith a proposed drawing correction for FIG. 12, showing the proposed corrections in red ink. Following the Examiner’s approval, a formal figure will be provided. These corrections do not add new matter since the description of a human shape was in the application as originally filed.

Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph because Claim 1 includes the phrase “and the like”. Accordingly, Applicant has amended Claim 1 to delete the phrase “and the like”.

### **Rejections Under 35 U.S.C. § 102(b)**

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Ota et al. U.S. Patent No. 5,407,086 (“Ota”). Applicant respectfully traverses the rejection as follows.

Claim 1 recites a bottle including a base portion provided with decompression panels for avoiding deformation or fracture of an ornamental portion following compression or decompression inside the bottle main body. Ota fails to teach this claim language.

The present invention discloses a PET bottle 1 including a bottle main body 2 comprising a base portion 3 and an ornamental portion 10. The illustrated ornamental portion includes such features as limbs and a head. The base portion 3 includes a plurality of decompression panels 5 that operate to avoid the problem of deformation or fracture of the ornamental portion 10 (page

5, lines 12-17) as the container with fluid is subjected to compression or decompression such as by heating, cooling or opening. For example, when a heat-sterilized drink is inserted and bottle 1 is sealed, the drink cools eventually and decompresses the bottle 1 by deforming the panels 5 instead of the ornamental portion 10. (page 7, lines 1-17).

By contrast, Ota does not teach or suggest a solution to the problem of avoiding compression or decompression of an ornamental portion, including by using a plurality of decompression panels for avoiding deformation of an ornamental portion. The Office Action states that Ota's base portion 5 is provided with pressure-responsive panels 12. However, Ota describes element 12 as six pieces of recessed portions 12 (Col. 6, lines 22-35). Ota does not teach that these recessed portions 12 avoid deformation of any portion of the bottle including an ornamental portion. In fact, Ota fails to teach an ornamental portion at all. The Office Action presumes that Ota element 4 is an ornamental portion. However, to the contrary, Ota discloses that element 4 is an upper barrel portion (Col. 3, lines 55-56). Throughout the specification, Ota fails to provide disclosure indicating that element 4 comprises an ornamental portion. It6 also does not have different elements such as molded legs or a head, as in the ornamental portion illustrated and discussed in the present application. Moreover, as seen in Ota FIG. 1, element 4 does not appear to contain any ornamental features whatsoever. Therefore, Ota does not teach a bottle including a plurality of decompression panels for avoiding deformation of an ornamental portion.

Moreover, the object of the Ota patent is to provide a bottle made of synthetic resin including a panel capable of being uniformly caved in ("fallen in") due to a decrease of pressure within the bottle, and to have suitable strength – despite being molded to be "extremely thinned" (col. 1, lines 53-64). On the other hand, the present invention is intended to provide a PET bottle including a new structure in which a bottle main body is divided into a base portion that includes

decompression panels and an ornamental portion; the ornamental portion can be formed in various character shapes that can arouse consumer interest in purchasing the PET bottle (page 2, line 22 to page 3, line 6). To attain this goal, the base portion 3 is provided with a plurality of decompression panels 5 for avoiding deformation, fracture and the like of the bottle main body 2 following compression/decompression inside the bottle main body 2.

In view of the above, it is respectfully submitted that the rejection has been traversed.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ota in view of JP952570. For the reasons already discussed above, the Ota patent fails to teach or suggest the present invention. Moreover, JP952570 does not appear to have any teaching or suggestion whatsoever of making an ornamental portion in a bottle having another portion with decompression panels, as far as understood. It is respectfully submitted that it is entirely improper to combine JP952570 with a non-ornamental bottle reference such as Ota.

**Conclusion**

Based on the foregoing, favorable consideration and allowance of Claims 1-12 is solicited. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Date

1/16/03

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In The Claims**

Please amend Claim 1 as follows:

1. (Amended) A PET bottle comprising:
  - (a) a bottle main body and a cap that is detachably attached to a mouth portion of the bottle main body;
  - (b) wherein the bottle main body is made of a thermoplastic resin and comprises [consists of] a base portion and an ornamental portion; and
  - (c) wherein the base portion is provided with decompression panels adapted to [for] avoiding deformation[,] or fracture [and the like] of the bottle main body following compression/decompression inside the bottle main body.

Please add new Claims 4-12.

4. The PET bottle of claim 1, wherein each of the decompression panels include a substantially planar section.
5. The PET bottle of claim 1, wherein each of the decompression panels include recessed portions including a substantially arcuate surface.
6. The PET bottle of claim 1, wherein at least one of the decompression panels are substantially rectangular.

7. The PET bottle of claim 1, wherein the ornamental portion is formed of a figurine shape including at least one of a head, a torso, arms and legs.

8. A PET bottle comprising:

a bottle main body comprised of a thermoplastic resin and including:

a base portion including a plurality of decompression panels adapted to avoiding deformation or fracture of the bottle main body following a compression or decompression inside the bottle main body; and

an ornamental portion formed in a figurine shape that retains its shape following said compression or decompression within the bottle main body; and

a cap detachably attached to a mouth portion of the bottle main body.

9. A PET bottle according to claim 8, wherein the cap is formed in a hat shape.

10. A method of forming a filled shaped PET fluid container having a first portion including a plurality of decompression panels, and a second portion distinct from the first portion, the second portion including an ornamental design, the method comprising:

forming said fluid container;

filling said fluid container with a fluid at a first temperature;

sealing said fluid container;

changing the temperature of the fluid in the fluid container to a second temperature; and

wherein said decompression panels in said first portion are of a sufficient number such that there are no compression panels required on the first portion to avoid deformation of the first portion when the fluid is changed to the second temperature or when the container is unsealed.

11. The method of forming a filled shaped PET fluid container according to claim 11 further comprising observing whether the filled fluid container has deformed.

12. The method of forming a filled shaped PET fluid container according to claim 11 further comprising designing a new fluid container with at least one additional compression panel if said filled fluid container is observed to be deformed.



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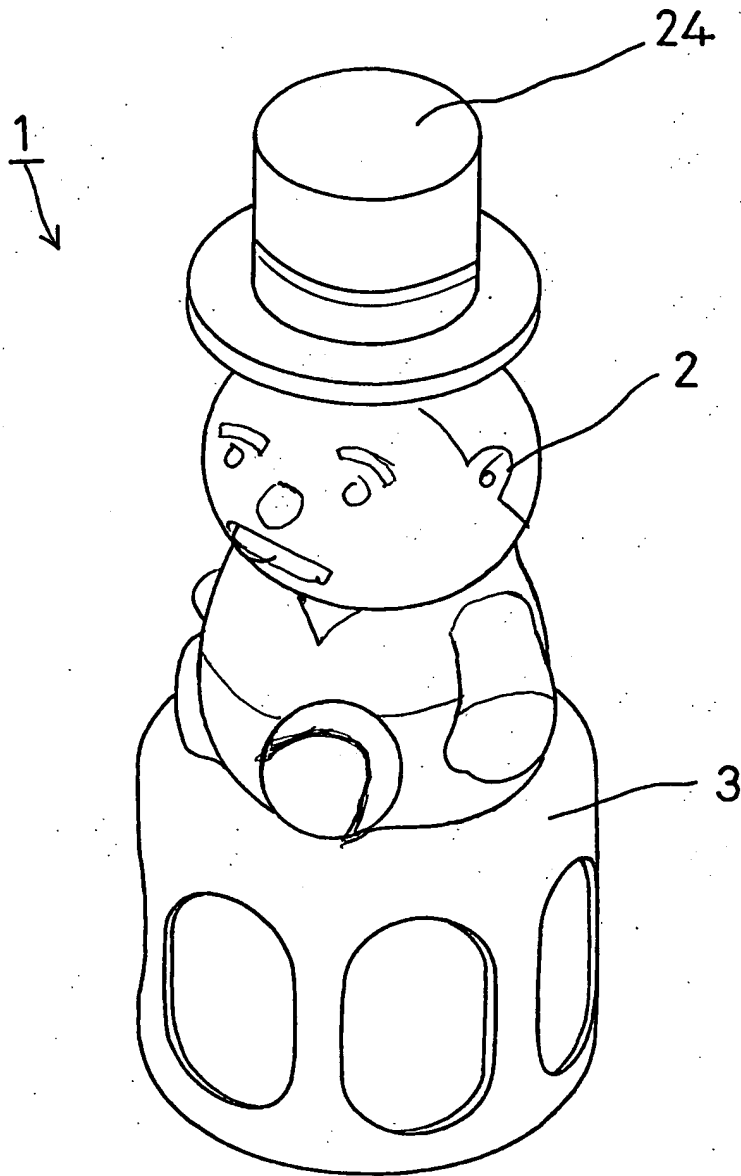


FIG. 12

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